

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TRAVELERS CASUALTY AND SURETY  
COMPANY as Administrator for RELIANCE  
INSURANCE COMPANY,

Plaintiff,

vs

THE DORMITORY AUTHORITY OF THE STATE  
OF NEW YORK, TDX CONSTRUCTION CORP. and  
KOHN, PEDERSON, FOX & ASSOCIATES, P.C.,

Defendants.

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DORMITORY AUTHORITY OF THE STATE OF  
NEW YORK,

Third-Party Plaintiff,

vs

TRATAROS CONSTRUCTION, INC. and TRAVELERS  
CASUALTY AND SURETY COMPANY,

Third-Party Defendants.

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TRATAROS CONSTRUCTION, INC. and TRAVELERS  
CASUALTY AND SURETY COMPANY,

Fourth-Party Plaintiffs,

vs

CAROLINA CASUALTY INSURANCE COMPANY,  
BARTEC INDUSTRIES, INC., DAYTON SUPERIOR  
SPECIALTY CHEMICAL CORP., a/k/a DAYTON  
SUPERIOR CORPORATION; SPECIALTY  
CONSTRUCTION BRANDS, INC. t/a TEC,  
KEMPER CASUALTY INSURANCE COMPANY  
d/b/a KEMPER INSURANCE COMPANY, GREAT  
AMERICAN INSURANCE COMPANY, NATIONAL  
UNION FIRE INSURANCE COMPANY OF  
PITTSBURGH, PA., UNITED STATES FIRE  
INSURANCE COMPANY, ALLIED WORLD  
ASSURANCE COMPANY (U.S.) INC. f/k/a/  
COMMERCIAL UNDERWRITERS INSURANCE  
COMPANY, ZURICH AMERICAN INSURANCE  
COMPANY d/b/a ZURICH INSURANCE COMPANY,  
OHIO CASUALTY INSURANCE COMPANY d/b/a  
OHIO CASUALTY GROUP, HARLEYSVILLE  
MUTUAL INSURANCE COMPANY (a/k/a  
HARLEYSVILLE INSURANCE COMPANY,  
JOHN DOES 1-20 AND XYZ CORPS. 1-20,

Fourth-Party Defendants.

Civil Action No. 07-CV-6915 (DLC)  
EFC CASE

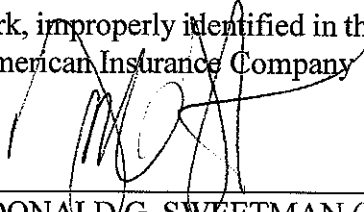
NOTICE OF MOTION FOR  
SUMMARY JUDGMENT

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PLEASE TAKE NOTICE, that upon the accompanying Affidavits of Donald G. Sweetman, Esq. and Josh Schaad, the Memorandum of Law and upon all prior pleadings, papers and proceedings had in this matter, fourth party defendant, Great American Insurance Company, moves pursuant to leave granted by the Court by Order dated July 14, 2008 for summary judgment pursuant to Federal Rule of Civil Procedure 56 before the Honorable Denise L. Cote, U.S.D.J. at the United States Courthouse, Southern District of New York, 500 Pearl Street, New York, New York on a date and time to be determined by the Court for an Order:

- (a) granting summary judgment and dismissing the Fourth Party Complaint and all crossclaims against Great American Insurance Company and its affiliates; and
- (b) awarding such other and further relief as this Court shall deem just and proper.

GENNET, KALLMANN, ANTIN & ROBINSON  
Attorneys for Great American Insurance Company of  
New York, ~~improperly identified in the Complaint as~~  
Great American Insurance Company

By:   
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File No. 05-6698:35.0053-S

Dated: New York, New York  
August 8, 2008